

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

FILED  
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U.S. DIST. COURT CLERK  
EAST DIST. MICH.  
BAY CITY

MICHELLE ALBERTS,

Plaintiff,

CASE NO: 02-CV-10163-BC

v.

DISTRICT JUDGE DAVID M. LAWSON  
MAGISTRATE JUDGE CHARLES E. BINDER

MOTION INDUSTRIES, INC.,  
a foreign corporation,

Defendant.

\_\_\_\_\_ /

**RECOMMENDATIONS ON PLAINTIFF'S**  
**MOTION TO COMPEL DISCOVERY**

(Dkt. 41)

Pursuant to an Order of Reference under 28 U.S.C. § 636(b)(1)(A), the undersigned has been referenced the above-entitled motion. Oral argument was held on March 20, 2003. Discovery is closed in this case, and my authority with regard to this motion is thus significantly limited. It is appropriate nonetheless to express my views with regard to the four disputed items at issue in the pending motion.

1. As to requests two and three, dealing with profit and loss statements for the Saginaw and Lansing branches from January 1, 2000, through the present date, in light of the nature of the so-called mandate to reduce overhead discussed by the parties and previously produced, and in light of the discovery already made relating to these requests, I conclude that the information requested is reasonably calculated to lead to discoverable information,



and it is not unduly burdensome. Therefore, I recommend that the motion be granted as to this request.

2. As to request four, the so-called "RGA" log, I similarly conclude that its production for the time requested, January 1, 2000, through the present, is not unduly burdensome and is reasonably calculated to be relevant to discoverable issues. I therefore recommend the motion be granted as to this request.

3. As to requests 10, 11 and 12, relating to employment records of three identified employees, in light of the discovery already made relating to the records of other employees, and the nature of the duties of the three employees requested, I conclude that they are not sufficiently or similarly situated to justify the production of their personnel records. I therefore recommend the motion be denied as to this request.

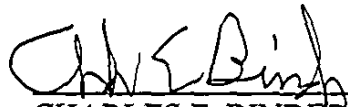
4. As to request 17, seeking EEOC and Michigan Department of Civil Rights complaints for the Saginaw and Lansing branches, in light of the discovery already made by Defendant, I conclude that the request to produce is redundant. I therefore recommend the motion be denied as to this request.

It is further recommended that Judge Lawson reopen discovery for a two week period to allow for the production of the items suggested by my findings.

With regard to Defendant's oral request for costs, because I find no willful or deliberate efforts on the part of Plaintiff to obstruct or to otherwise violate either the discovery rules or prior orders of this Court, the imposition of costs is inappropriate, and that request is denied.

Review of this Order is governed by 28 U.S.C. § 636(b)(1)(A) and E.D. Mich. LR 72.1(d)(1). Pursuant to Local Rule 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "Charles E. Binder", is written over a horizontal line.

CHARLES E. BINDER  
United States Magistrate Judge

DATED: March 25, 2003

Copies to: Mr. Edward B. Davison, Attorney at Law, Tenth Floor, Northbank Center, 432 N. Saginaw Street,  
Flint, MI 48502-2024  
Ms. Lisa M. Szafranic, Attorney at Law, 100 Galleria Parkway, N.W., Ste. 1500, Atlanta, GA 30339  
Honorable David M. Lawson, United States District Judge